

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:05CR57

KEVIN L. COLCLOUGH

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to conspiracy to possess with intent to distribute and to distribute cocaine and cocaine base in violation of 18 U.S.C. § 841(a)(1) and (b)(1); 846.

Defendant was represented by appointed counsel, Stephen A. Hudgins, Esquire. On December 20, 2005, defendant appeared before the Court for the purpose of entering a guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was remanded back to the custody of the United States Marshal pending sentencing.

Defendant is forty-one years of age, attended school to the twelfth grade, received a GED, and speaks English as his native language.

There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

December 23 , 2005

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of
the following:

Stephen A. Hudgins, Esquire
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Timothy R. Murphy, Esquire
Assistant United States Attorney
United States Attorney's Office
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Elizabeth H. Paret, Clerk

By _____
Deputy Clerk

_____, 2005